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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,799	10/24/2003	James E. Skavnak	19984.39	2034

32300 7590 10/03/2005
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EXAMINER

BOLLINGER, DAVID H

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,799

Applicant(s)

SKAVNAK, JAMES E.

Examiner

David H. Bollinger

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-18, 20, 21 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 9-13, 21 and 26 is/are rejected.
- 7) ☒ Claim(s) 15-18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>18 July 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Offutt in view of Krakauer et al.

Offutt discloses an article vending machine having everything including plural helical feeder coils (see Figs. 1, 6 and 8).

Offutt fails to disclose slots in the shelf corresponding to the helical feeder coils.

Krakauer et al teaches a vending machine employing helical feeder coils where a slot (channel) 4 is provided in the shelf to allow the articles to be vended to be supported on the shelf. See Fig. 8.

In view of the teachings of Krakauer et al, it would have been obvious to one of ordinary skill in the art to provide the shelf of Offutt with slots corresponding to the helical feeder coils to allow the articles to be vended to be better supported by the shelf.

3. Claims 1, 2, 6, 9 through 13, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Offutt in view of Wittern et al.

Offutt discloses an article vending machine having everything including plural helical feeder coils (see Figs. 1, 6 and 8).

Offutt fails to disclose slots in the shelf corresponding to the helical feeder coils.

Wittern et al teaches a vending machine employing helical feeder coils where a slot with a curvature corresponding to the helical feeder coils in the shelf to allow the articles to be vended to be supported on the shelf. See Fig. 3.

In view of the teachings of Wittern et al, it would have been obvious to one of ordinary skill in the art to provide the shelf of Offutt with slots with a curvature corresponding to the helical feeder coils to allow the articles to be vended to be better supported by the shelf.

4. Claims 1 through 3, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Offutt in view of Sturrock.

Offutt discloses an article vending machine having everything including plural helical feeder coils (see Figs. 1, 6 and 8).

Offutt fails to disclose slots in the shelf corresponding to the helical feeder coils.

Sturrock teaches a vending machine employing helical feeder coils where a slot with one side longer than the other is positioned on the shelf to correspond to the helical feeder coils in order to support the articles to be vended on the shelf. See Figs. 1 and 2.


In view of Sturrock, it would have been obvious to one of ordinary skill in the art to provide the shelf of Offutt with slots with one side longer than the other corresponding to the helical feeders to allow the articles to be vended to be better supported by the shelf.

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5. Claims 7, 8, 14, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 15 through 18 and 20 are allowed.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Bollinger whose telephone number is 571-272-6935. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on 571-272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David H Bollinger
Primary Examiner 9/27/05
Art Unit 3653